STATI	E OF INDIANA)) SS:	IN THE HAMILTON		COURT
COUN	TTY OF HAMILTON) 33:	CAUSE NO.		
JON P	LUMMER,)		
	Plaintiff,)		
	v.))		
	DITTMER and DITTMER TRUCKING, INC.)))		
	Defendant.)		
	APPI		NCE FORM (CIVIL) tiating Party		
1.	Name of first initiating party:		Jon Plummer		
2.	Telephone of <i>pro se</i> respondi	ng party	y: N/A		
3.	Robert T. Dassow, #15145-64 Phone: 317-818-3			317-818-3100 317-818-3111	

Case Type requested: Tort 4.

Will accept FAX service: NO 5.

- Social Security number of all family members in proceedings 6. involving support issues: N/A
- 7. Are there related cases? **NO**
- Additional information required by state or local rule: NONE 8.

HOVDE DASSOW & DEETS, LLC

By: s/Robert T. Dassow Robert T. Dassow, #15145-64 Attorney for Plaintiff

STA	TE OF INDIANA)	IN THE HAMILTON	COURT
COU	NTY OF HAMILTON) SS:)	CAUSE NO.	
JON I	PLUMMER,)	
	Plaintiff,)	
	v.)	
	DITTMER and DITTMER TRUCKING, INC. Defendant.))))	
	API		NCE FORM (CIVIL) itiating Party	
1.	Name of first initiating party:	Jon Pl	ummer	
2.	Telephone of <i>pro se</i> responding	party:	N/A	
3.	v i '			Phone: 317-818-3100 Fax: 317-818-3111
4.	Case Type requested: Tort			
5.	Will accept FAX service: NO			
6.	Social Security number of all fa involving support issues: N/A	mily me	embers in proceedings	
7.	Are there related cases? NO			
8.	Additional information required	by stat	e or local rule: NONE	

HOVDE DASSOW & DEETS, LLC

By: <u>s/Tyler J. Zipes</u>
Tyler J. Zipes, #35081-49 Attorney for Plaintiff

STATE OF INDIANA)) SS:	IN THE HAMILTON	_COURT
COUNTY OF HAMILTON)	CAUSE NO. 29D01-	
JON PLUMMER,)	
Plaintiff,)	
V.)	
)	
BILL DITTMER and BILL DITTMER TRUCKING, INC)	
	-	,)	
Defendant.)	

PLAINTIFF'S COMPLAINT FOR DAMAGES

Plaintiff Jon Plummer, by counsel, for his Complaint for Damages against the Defendants, Bill Dittmer and Bill Dittmer Trucking, Inc., alleges and states as follows:

- 1. The Plaintiff, Jon Plummer ("Plummer"), is a resident of Anderson, Indiana.
- 2. The Defendant, Bill Dittmer ("Dittmer"), is a resident of Madison, Maine.
- 3. The Defendant, Bill Dittmer Trucking, Inc. ("Dittmer Trucking"), is a Delaware corporation authorized to do business in Indiana.
- 4. On December 11, 2020, Plummer was parked in his vehicle on the right shoulder of Interstate 69, facing northbound, in Fishers, Indiana.
- 5. At the same time, Dittmer, while in the course and scope of his employment with Dittmer Trucking, was traveling northbound on Interstate 69, in Fishers, Indiana, operating a commercial truck owned by Dittmer Trucking.
- While Plummer was parked well off the roadway, Dittmer crossed his truck over 6. the solid white line and crashed into the driver's side of Plummer's vehicle.
 - 7. Dittmer's conduct, which occurred in the course and scope of his employment with

Dittmer Trucking, was negligent and/or in violation of state and federal law constituting

negligence per se.

8. As a result of the Defendants' negligence and/or negligence per se, Plummer

suffered physical and emotional injuries, has experienced and will in the future experience pain

and suffering, has incurred and will in the future incur medical expenses for his care and treatment,

and has suffered other compensable damages, including but not limited to the inability to function

as a whole person.

WHEREFORE, Plaintiff Jon Plummer, by counsel, respectfully requests that judgment be

entered in his favor in an amount to be proven at trial and for all other relief proper in the premises.

HOVDE DASSOW & DEETS LLC

By /s/ Robert T. Dassow_

Robert T. Dassow, #15145-64

Tyler J. Zipes, #35081-49

JURY DEMAND

The Plaintiffs, by counsel, respectfully request trial by jury.

HOVDE DASSOW & DEETS LLC

By /s/ Robert T. Dassow

Robert T. Dassow, #15145-64

Tyler J. Zipes, #35081-49

2

STATE OF INDIANA IN THE HAMILTON SUPERIOR COURT I SS: COUNTY OF HAMILTON CAUSE NO. 29D01-Jon Plummer **PLAINTIFF** VS. Bill Dittmer and Bill Dittmer Tucking, Inc. **DEFENDANT SUMMONS** TO DEFENDANT: (Name) **Bill Dittmer**

You are hereby notified that you have been sued by the person named as Plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the Complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the Plaintiff.

7 Hazel Street

Madison, ME 04950

An answer or other appropriate response in writing to the Complaint must be filed either by you or your Attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by Plaintiff.

If you have a claim for relief against the Plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

1/25/2022 Dated	Kathy Kreag Williams
Clerk, Hamilton	Court
Robert T. Dassow Attorney for Plaintiff, Attorney Number HOVDE DASSOW & DEETS, LLC 10201 N. Illinois Street, Suite 500 Address Indianapolis, IN 46290	SEAL
317/818-3100 Telephone	
The following manner of service of Summons is hereby designated: X Registered or Certified Mail Service on individual at above address: County Service on agent: (specify) Service by Publication	

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the day	y of	,20,I mailed a co	py of this Summons
and a copy of the Complaint to the Defendar requesting a return receipt, at the address fur	nt mished by the	by Plaintiff.	mail
			
Dated			
		Clerk Hamilton Coun	ty Courts
RETURN ON SER	VICE OF SUI	MMONS BY MAIL	
I hereby certify that the attached retu and a copy of the Complaint mailed to the D 			
1 hereby certify that the attached retu of, 20, showin			
returned not accepted;			
I hereby certify that the attached retu	rn receipt was	received by me showin	g that the Summons
and a copy of the Complaint mailed to the D on behalf of said Defendan	etendant, was	accepted by	(age)
on behalf of said Befoldan		day or	
		Clerk Hamilton Coun	ty Courts
SERVIC	E ACKNOW	LEDGED	
A copy of the within Summons and a me at			eto were received by
Dated			
		Signature of Defendar	nt
RECEIPT OF	SERVICE O	F SUMMONS	
	:41 : G		
I hereby certify that I have served the (1) By delivering a copy of the Summons an day of,20			endant on the
(2) By leaving a copy of the Summons and a			
a) at the dwelling place or usual place			h m a
b) with a person of suitable age and of by mailing a copy of the Summons to the De Summons, the last known address of the Def	efendant, by fi		and lress listed and the
		f of Hamilton County, l	

Hamilton Superior Court 1

Clerk Hamilton County, Indiana

STATE OF INDIANA)		IN THE HAMILTON SUPERIOR COURT I
COUNTY OF HAMILTON)	SS:	CAUSE NO. 29D01
Jon Plummer			
PLAINTIFF			
vs. Bill Dittmer and Bill Dittmer Tucking,	Inc.		
DEFENDANT		CIINANA	ONIC
		SUMMO	JN5
TO DEFENDANT: (Name)	c/o (Corporation 45 Me	ittmer Trucking, Inc. on Service Company emorial Cir sta, ME 04330
You are hereby notified that yo indicated above.	u have bee	en sued by	y the person named as Plaintiff and in the Court
The nature of the suit against you states the relief sought or the demand r	nade agair	ıst you by	omplaint which is attached to this Summons. It also the Plaintiff. It to the Complaint must be filed either by you or your
			ter you receive this Summons, (or twenty-three (23) at by default may be rendered against you for the
-	gainst the	Plaintiff a	arising from the same transaction or occurrence, you
must assert it in your written answer.		.)	
1/25/2022 Dated		Afor	thy theag Williams
	Cle	rk, Hamilt	
Robert T. Dassow			A CHECKS
Attorney for Plaintiff, Attorney Numbe	er		300
HOVDE DASSOW & DEETS, LLC			
10201 N. Illinois Street, Suite 500			
Address			SE AT I
Indianapolis, IN 46290			SEA
317/818-3100			
Telephone			Alexander Alexander
			YAPA JIMI HELENIAN
The following manner of service of Su		nereby de	esignated:
X Registered or Certified			•
Service on individual at			
Service on agent: (specif	ty)		
Service by Publication			

CLERK'S CERTIFICATE OF MAILING

	of,20,I mailed a copy of this Summons and a
copy of the Complaint to the Defendant	bymail, requesting a
return receipt, at the address furnished by the P	Plaintiff.
Dated	
	Clerk Hamilton County Courts
RETURN ON SE	ERVICE OF SUMMONS BY MAIL
I hereby certify that the attached return	receipt was received by me showing that the summons and a
	t, was accepted an theday of,20
1 hereby certify that the attached return	receipt was received by me on the day
of, 20, showing t	hat the summons and a copy of the Complaint was returned not
accepted;	
	receipt was received by me showing that the Summons and a
copy of the Complaint mailed to the Defendant	t, was accepted by(age) on the,20
on behan of said Defendant of	
	Hamilton County Courts
	i i i i i i i i i i i i i i i i i i i
SERV	ICE ACKNOWLEDGED
A (1 11 G 1	
• •	opy of the Complaint attached thereto were received by me at
	·
Dated	
	Signature of Defendant
RECEIPT (OF SERVICE OF SUMMONS
I haveby cortify that I have conved the re	rithin Cummons
I hereby certify that I have served the w	a copy of the Complaint to the Defendant on theday of
	a copy of the complaint to the Berendant on theauty of
(2) By leaving a copy of the Summons and a co	opy of the Complaint:
a) at the dwelling place or usual place of	
	cretion residing therein, namely and by
	ant, by first class mail, to the address listed and the Summons, the
last known address of the Defendant.	
	Sheriff of Hamilton County, Indiana
	By:
	~J.

STATE OF INDIANA)	IN THE HAMILTON SUPERIOR COURT
COUNTY OF HAMILTON) SS:)	CAUSE NO. 29D01-2201-CT-000559
JON PLUMMER,)
Plaintiff,)
V.)
BILL DITTMER and)
BILL DITTMER TRUCKING, INC	•)
Defendant.)

CERTIFICATE OF ISSUANCE OF SUMMONS

Plaintiff, Jon Plummer, by counsel, hereby shows the Court as follows:

A Complaint for Damages, Appearance by Attorney and Summonses were filed on January 25, 2022 and were served by Certified Mail, Return Receipt Requested upon the following Defendant on January 25, 2022:

Bill Dittmer 7 Hazel Street Madison, ME 04950 [Tracking No. 9414726699042181059896]

Bill Dittmer Trucking, Inc. c/o Corporation Service Company 45 Memorial Cir Augusta, ME 04330 [Tracking No. 9414726699042181060779]

HOVDE DASSOW & DEETS, LLC

By: s/Robert T. Dassow
Robert T. Dassow, #15145-64
Tyler J. Zipes, #35081-49
10201 N. Illinois Street, Suite 500
Indianapolis, IN 46290

Telephone: (317) 818-3100 Facsimile: (317) 818-3111

Attorney for Plaintiffs

STATE OF INDIANA) SS:	HAMILTON SUPERIOR COURT 1
COUNTY OF HAMILTON)	CAUSE NO.: 29D01-2201-CT-000559
JON PLUMMER,)
Plaintiff,)
vs.)
BILL DITTMER and BILL DITTMER TRUCKING, INC.,)))
Defendants.)

APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: **Defendants**

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

Bill Dittmer and Bill Dittmer Trucking, Inc.

2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Christopher R. Whitten, Attorney No. 20429-49
Matthew K. Phillips, Attorney No. 28724-49
WHITTEN LAW OFFICE LLC
6801 Gray Road, Suite H
Indianapolis, IN 46237
(317) 362-0225 Telephone
(317) 362-0151 Facsimile
cwhitten@indycounsel.com
mphillips@indycounsel.com

- 3. There are other party members: No.
- 4. If first initiating party filing this case, the Clerk is required to assign this case the following Case Type under Administrative Rule 8(b)(3): N/A.
 - 5. I will accept service by FAX at the above noted number: No.
- 6. This case involves support issues. No. (If yes, supply social security number for all family members).

- 7. There are related cases: No.
- 8. This form has been served on all other parties. Certificate of Service is attached: Yes.
 - 9. Additional information required by local rule: N/A.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

Christopher R. Whitten/20429-49

Matthew K. Phillips/28724-49 Counsel for Defendants

CERTIFICATE OF SERVICE

On February 15, 2022, I electronically served and/or filed the foregoing document through the Court's ECF system on the following:

Robert T. Dassow, Esq.
Tyler J. Zipes, Esq.
HOVDE DASSOW & DEETS LLC
RDassow@hovdelaw.com
TZipes@hovdelaw.com

Christopher R. Whitten

WHITTEN LAW OFFICE LLC 6801 Gray Road, Suite H Indianapolis, IN 46237

PH: 317-362-0225 Fax: 317-362-0151

cwhitten@indycounsel.com
mphillips@indycounsel.com

STATE OF INDIANA)	HAMILTON SUPERIOR COURT 1
COUNTY OF HAMILTON) SS:	CAUSE NO.: 29D01-2201-CT-000559
JON PLUMMER,)
Plaintiff,)
vs.)
BILL DITTMER and BILL DITTMER TRUCKING, INC.,)))
Defendants.)

MOTION FOR ENLARGEMENT OF TIME

Defendants, Bill Dittmer and Bill Dittmer Trucking, Inc. ("Defendants"), by counsel, respectfully request the Court for an enlargement of time of 30 days to respond to the Complaint ("Complaint") of Plaintiff, Jon Plummer, and in support thereof, state as follows:

- 1. On or about January 28, 2022, Defendant, Bill Dittmer Trucking, Inc., was served with a copy of the Summons and Complaint via certified mail.
- 2. On or about January 31, 2022, Defendant, Bill Dittmer, was served with a copy of the Summons and Complaint via certified mail.
- 3. The time for Defendants to respond to Plaintiff's Complaint has not yet expired.
- 4. Counsel for Defendants requires additional time to confer with his clients and to prepare an appropriate response to the Complaint.
 - 5. No prior enlargement of time has been requested or obtained.

WHEREFORE, Defendants, Bill Dittmer and Bill Dittmer Trucking, Inc., by counsel, respectfully request the Court for an enlargement of time of 30 days

up to and including March 22, 2022, in which to respond to the Complaint and for all other just and proper relief.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

Christopher R. Whitten/20429-49

Matthew K. Phillips/28724-49 *Counsel for Defendants*

CERTIFICATE OF SERVICE

On February 15, 2022, I electronically served and/or filed the foregoing document through the Court's ECF system on the following:

Robert T. Dassow, Esq.
Tyler J. Zipes, Esq.
HOVDE DASSOW & DEETS LLC
RDassow@hovdelaw.com
TZipes@hovdelaw.com

Christopher R. Whitten

umwith

WHITTEN LAW OFFICE LLC 6801 Gray Road, Suite H Indianapolis, IN 46237

PH: 317-362-0225 Fax: 317-362-0151

<u>cwhitten@indycounsel.com</u> <u>mphillips@indycounsel.com</u>

STATE OF INDIANA)	HAMILTON SUPERIOR COURT 1
COUNTY OF HAMILTON) SS:	CAUSE NO.: 29D01-2201-CT-000559
JON PLUMMER,) FILED
Plaintiff,) February 15, 2022) CLERK OF THE HAMILTON CIRCUIT COURT
vs.	
BILL DITTMER and BILL DITTMER TRUCKING, INC.,)))
Defendants.)

ORDER ON DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME

This matter came before the Court on Defendants' Motion for Enlargement of Time to Answer Complaint. The Court having been first duly advised, now **GRANTS** the Motion.

IT IS THEREFORE ORDERED that Defendants, Bill Dittmer and Bill Dittmer Trucking, Inc., shall have up to and including March 22, 2022, in which to respond to Plaintiff's Complaint.

Date: February 15, 2022

Judge, Hamilton Superior Court 1

Copies to:

Robert T. Dassow, Esq.
Tyler J. Zipes, Esq.
HOVDE DASSOW & DEETS LLC
RDassow@hovdelaw.com
TZipes@hovdelaw.com

Bill Dittmer - first class mail 2/15/22 js

Christopher R. Whitten, Esq. Matthew K. Phillips, Esq. WHITTEN LAW OFFICE LLC cwhitten@indycounsel.com mphillips@indycounsel.com

STATE OF INDIANA)	HAMILTON SUPERIOR COURT 1
COUNTY OF HAMILTON) SS:	CAUSE NO.: 29D01-2201-CT-000559
JON PLUMMER,)
Plaintiff,)
vs.)
BILL DITTMER and BILL DITTMER TRUCKING, INC.,)))
Defendants.)

ANSWER, AFFIRMATIVE DEFENSES AND DEMAND FOR TRIAL BY JURY

Defendants Bill Dittmer ("Bill") and Bill Dittmer Trucking, Inc. ("Dittmer Trucking") (collectively "Defendants") answer Plaintiff's Complaint for Damages, state their Affirmative Defenses, and submit their Jury Trial Demand as follows:

ANSWER

1. The Plaintiff, Jon Plummer ("Plummer"), is a resident of Anderson, Indiana.

ANSWER: Defendants are without sufficient information to admit or deny the allegations in Paragraph 1 of Plaintiff's Complaint for Damages.

2. The Defendant, Bill Dittmer ("Dittmer"), is a resident of Madison, Maine.

ANSWER: Defendants admit the allegations in Paragraph 2 of Plaintiff's Complaint for Damages.

3. The Defendant, Bill Dittmer Trucking, Inc. ("Dittmer Trucking"), is a Delaware corporation authorized to do business in Indiana.

ANSWER: Defendants deny the allegations in Paragraph 3 of Plaintiff's Complaint for Damages.

4. On December 11, 2020, Plummer was parked in his vehicle on the right shoulder of Interstate 69, facing northbound, in Fishers, Indiana.

ANSWER: Defendants admit the allegations in Paragraph 4 of Plaintiff's Complaint for Damages.

5. At the same time, Dittmer, while in the course and scope of his employment with Dittmer Trucking, was traveling northbound on Interstate 69, in Fishers, Indiana, operating a commercial truck owned by Dittmer Trucking.

ANSWER: Defendants admit the allegations in Paragraph 5 of Plaintiff's Complaint for Damages.

6. While Plummer was parked well off the roadway, Dittmer crossed his truck over the solid white line and crashed into the driver's side of Plummer's vehicle.

ANSWER: Defendants deny the allegations in Paragraph 6 of Plaintiff's Complaint for Damages.

7. Dittmer's conduct, which occurred in the course and scope of his employment with Dittmer Trucking, was negligent and/or in violation of state and federal law constituting negligence per se.

ANSWER: Defendants deny the allegations in Paragraph 7 of Plaintiff's Complaint for Damages.

8. As a result of the Defendants' negligence and/or negligence per se, Plummer suffered physical and emotional injuries, has experienced and will in

the future experience pain and suffering, has incurred and will in the future incur medical expenses for his care and treatment, and has suffered other compensable damages, including but not limited to the inability to function as a whole person.

ANSWER: Defendants deny the allegations in Paragraph 8 of Plaintiff's Complaint for Damages.

AFFIRMATIVE DEFENSES

- 1. Plaintiff Jon Plummer's negligence exceeds fifty percent (50%) of the total fault attributable for this incident, thereby barring recovery.
- 2. Subject to further discovery, in the alternative, in the event that it is established that the causal negligence of Plaintiff, Jon Plummer is 50% or less, Defendants hereby assert that the amount of Plaintiff's damages should be diminished in proportion to the amount of causal negligence attributable to Jon Plummer.
- 3. Subject to further discovery, Plaintiff may have failed to mitigate his damages.
- 4. Subject to further discovery, Plaintiff may have received payments from other sources that constitute a collateral source set-off.
- 5. Defendants hereby specifically deny any and all allegations in the Plaintiff's Complaint for Damages that were not specifically admitted.

WHEREFORE, Defendants request that Plaintiff takes nothing by way of his Complaint for Damages and for all other just and proper relief in the premises.

DEMAND FOR TRIAL BY JURY

Defendants request this matter be tried by a jury as to all issues.

Respectfully submitted,

WHITTEN LAW OFFICE LLC

Christopher R. Whitten/20429-49

Matthew K. Phillips/28724-49

Counsel for Defendants

CERTIFICATE OF SERVICE

On March 22, 2022, I electronically served and/or filed the foregoing document through the Court's ECF system on the following:

Robert T. Dassow, Esq. Tyler J. Zipes, Esq. HOVDE DASSOW & DEETS LLC RDassow@hovdelaw.com TZipes@hovdelaw.com

unwitt Christopher R. Whitten

WHITTEN LAW OFFICE LLC 6801 Gray Road, Suite H Indianapolis, IN 46237

PH: 317-362-0225 Fax: 317-362-0151

cwhitten@indycounsel.com mphillips@indycounsel.com

March 23, 2022
CLERK OF THE HAMILTON
CIRCUIT COURT

STATE OF INDIANA)	IN THE HAMILTON SUPERIOR COURT NO. 1
,	SS:
COUNTY OF HAMILTON)	CAUSE NO. 29D01-2201-CT-000559
JON PLUMMER,)
Plaintiff,)
)
v.)
)
BILL DITTMER and)
BILL DITTMER TRUCKING,	INC.)
Defendants.)

JUDGE'S ENTRY OF MARCH 22, 2022

Plaintiff's and Defendants' request for Jury trial is hereby granted. Court now sets
this matter for a telephonic pre-trial conference for the day
of August, 2022 at 8.30 a m. Parties are directed to call into the
conference line at (317) 776-9656 and use code

SO ORDERED.

MICHAEL A. CASATI, Judge Hamilton Superior Court No. 1

DISTRIBUTION: See CCS

Copy to Bill Dittmer via 1st class mail. ss